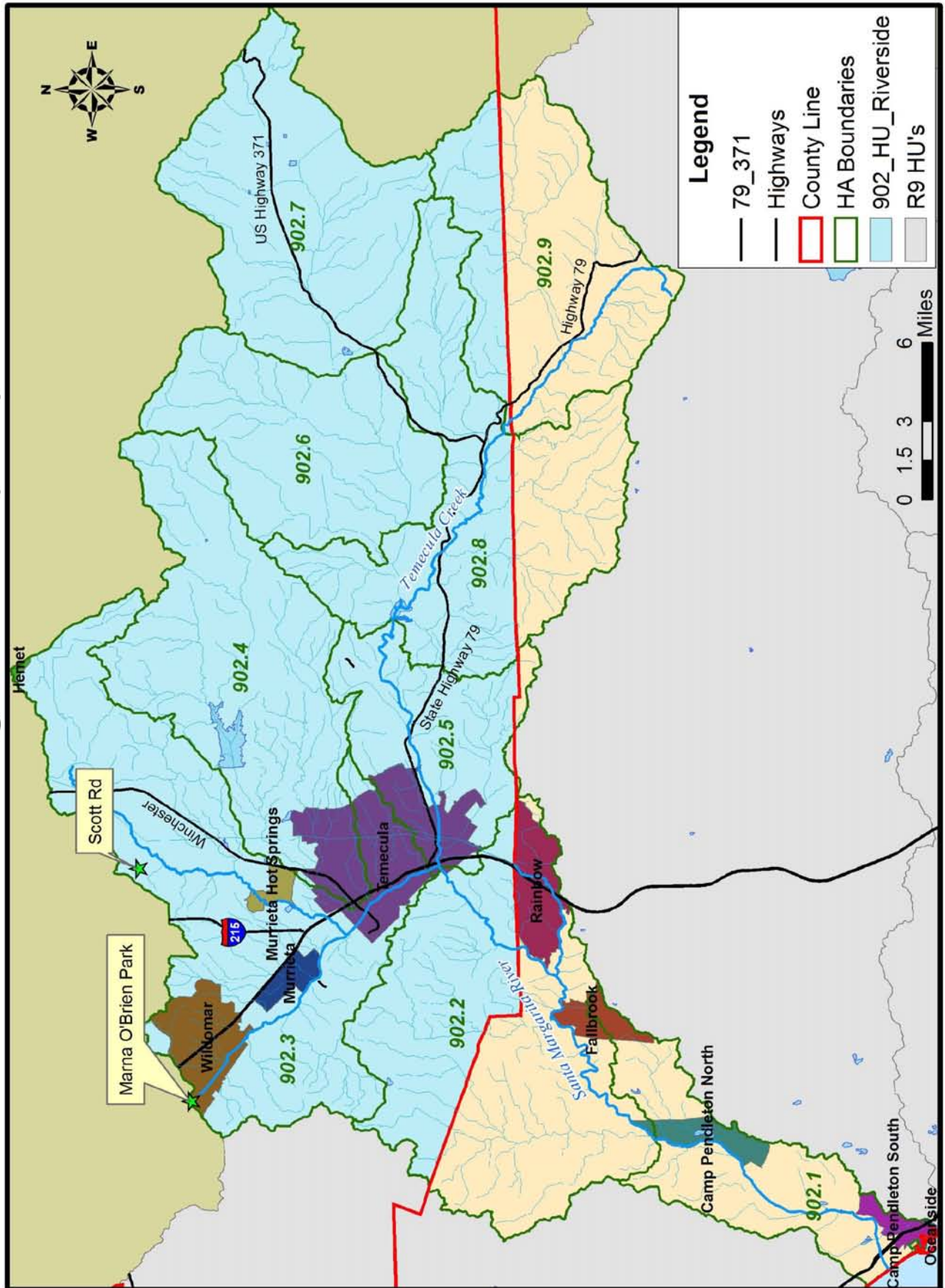


ATTACHMENT 1
MAP OF SITE LOCATIONS

Santa Margarita HU (902)



ATTACHMENT 2

CENSUS INFORMATION FOR THE COUNTY OF RIVERSIDE

U.S. Census Bureau

American FactFinder



Riverside County, California

Selected Housing Characteristics: 2005-2007

Data Set: 2005-2007 American Community Survey 3-Year Estimates

Survey: American Community Survey

NOTE. Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

For more information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

Selected Housing Characteristics	Estimate	Margin of Error	Percent	Margin of Error
HOUSING OCCUPANCY				
Total housing units	729,148	+/-272	100%	(X)
Occupied housing units	636,755	+/-2,858	87.3%	+/-0.4
Vacant housing units	92,393	+/-2,888	12.7%	+/-0.4
Homeowner vacancy rate	2.9	+/-0.3	(X)	(X)
Rental vacancy rate	6.2	+/-0.7	(X)	(X)
UNITS IN STRUCTURE				
Total housing units	729,148	+/-272	100%	(X)
1-unit, detached	479,122	+/-3,250	65.7%	+/-0.4
1-unit, attached	43,560	+/-1,644	6.0%	+/-0.2
2 units	10,888	+/-1,181	1.5%	+/-0.2
3 or 4 units	28,768	+/-1,441	3.9%	+/-0.2
5 to 9 units	31,836	+/-2,065	4.4%	+/-0.3
10 to 19 units	24,963	+/-1,778	3.4%	+/-0.2
20 or more units	31,160	+/-1,374	4.3%	+/-0.2
Mobile home	76,118	+/-2,238	10.4%	+/-0.3
Boat, RV, van, etc.	2,733	+/-595	0.4%	+/-0.1
YEAR STRUCTURE BUILT				
Total housing units	729,148	+/-272	100%	(X)
Built 2005 or later	32,768	+/-1,535	4.5%	+/-0.2
Built 2000 to 2004	115,181	+/-2,880	15.8%	+/-0.4
Built 1990 to 1999	132,582	+/-3,260	18.2%	+/-0.4
Built 1980 to 1989	177,602	+/-3,659	24.4%	+/-0.5
Built 1970 to 1979	122,646	+/-2,888	16.8%	+/-0.4
Built 1960 to 1969	67,189	+/-2,335	9.2%	+/-0.3
Built 1950 to 1959	49,236	+/-1,610	6.8%	+/-0.2
Built 1940 to 1949	15,650	+/-1,174	2.1%	+/-0.2
Built 1939 or earlier	16,294	+/-1,365	2.2%	+/-0.2
ROOMS				
Total housing units	729,148	+/-272	100%	(X)
1 room	5,468	+/-864	0.7%	+/-0.1
2 rooms	23,022	+/-1,552	3.2%	+/-0.2
3 rooms	62,141	+/-2,573	8.5%	+/-0.4
4 rooms	130,804	+/-3,166	17.9%	+/-0.4
5 rooms	172,581	+/-3,394	23.7%	+/-0.5

ATTACHMENT 3

**PG ENVIRONMENTAL, LLC
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)
INSPECTION REPORT**

**Riverside County Flood Control and Water Conservation
District and County of Riverside
Municipal Separate Storm Sewer System (MS4)
Inspection Report**

Background

PG Environmental, LLC, a USEPA Region IX contractor, with assistance from the California Regional Water Quality Control Board, San Diego Bay Region (Regional Water Board), conducted inspections of the Riverside County Flood Control and Water Conservation District (hereafter, District) and County of Riverside (hereafter, County) Municipal Separate Storm Sewer System (MS4) programs on September 20, 2007 and January 15 through 17, 2008. Mr. Wesley Ganter and Mr. Max Kuker of PG Environmental, LLC led the inspections and were assisted by Regional Water Board staff. Discharges from the District's and the County's MS4 are regulated by Regional Water Board Order No. R9-2004-001 (NPDES Permit No. CAS0108766) issued July 14, 2004. The purpose of the inspections was to determine the Permittees' compliance with requirements contained within Regional Water Board Order No. R9-2004-001 (hereafter, Order), and to assess the Permittees' current implementation status with respect to their Drainage Area Management Plan (DAMP). The initial September 20, 2007 inspection identified discrepancies between the Order requirements and the District and County MS4 program implementation. The intent of the January 2008 inspections was to further investigate and substantiate the previously noted discrepancies.

The District serves as the principal permittee for the Riverside County MS4 permittee group and the District and the County jointly implement several of the individual MS4 program elements. The previously referenced Order is the second MS4 permit issued to these permittees. While the District and the County also hold MS4 permits issued by the Santa Ana and Colorado River Regional Water Boards, this inspection primarily focused on activities occurring within the Santa Margarita River watershed and within the jurisdictional boundaries of the San Diego Regional Water Board. However, where indicated in this inspection report, Development Planning inspection activities also occurred in the Santa Ana Region during which the inspection team evaluated the permittees compliance with respect to Santa Ana Regional Water Board Order No. R8-2002-001. These activities occurred with the full knowledge and support of the Santa Ana Regional Board.

The inspections focused specifically on two sections of the Order: Provision F. Development Planning and the implementation of Standard Urban Storm Water Mitigation Plan (SUSMP) requirements; and Provision L. Part II. Monitoring Program. The inspections did not evaluate or assess compliance with the following provisions of the Order: G. Construction, H. Existing Development, I. Education, J. Illicit Discharge Detection and Elimination Program; and K. Watershed-Based Activities. As such, the inspections were not intended to be a comprehensive evaluation of all components and requirements associated with the entire MS4 program.

The inspections consisted of interviews of District and County staff. Interviews occurred at the Riverside County Executive Office located at 4080 Lemon Street in downtown Riverside and at

the District's offices located at 1995 Market Street, Riverside, CA. The primary MS4 Program representatives were Mr. Mike Shetler and Mr. Alex Gann, Riverside County Executive Office, and Mr. Jason Uhley, Senior Civil Engineer, Riverside County Flood Control and Water Conservation District. These individuals were supported by other District and County staff that have responsibilities for program implementation and also by URS Corporation representatives, a consultant to the Riverside County permittee group. A list of all inspection attendees is attached to this report.

The County of Riverside was represented by five separate organizational entities during the course of the inspections as follows: the Executive Office, Economic Development Agency (EDA), Transportation Department, Facilities Management Department, and the Regional Park & Open-Space District.

The inspection schedule was as follows:

September 20, 2007	January 15-17, 2008
<i>Riverside County Flood Control and Water Conservation District and County of Riverside</i>	<i>Riverside County Flood Control and Water Conservation District and County of Riverside</i>
9:00 AM – Opening meeting at the Riverside County Executive offices	<u>January 15th</u> Review of District's Monitoring Program
9:30 AM – Interview regarding Development Planning and the implementation of SUSMP requirements	<u>January 16th</u> (AM) – Review of <u>private</u> development (PM) – Review of <u>public</u> development
1:30 PM – Office visit to discuss Monitoring	<u>January 17th</u> Two teams with office and field activities
4:00 PM – Closing Conference	Team 1 – Review of public Capital Improvement Projects (CIP) SUSMP applicability and field visits Team 2 – Review of private development SUSMP applicability, development, and maintenance

Findings

Section F. Development Planning

Note: The permittee internally refers to the SUSMP program and required documents as Water Quality Management Plans (WQMPs). Hereafter, these terms are used interchangeably.

The organizational structure for the WQMP process is divided between private and public development sectors. The District solely leads and implements the WQMP process for all private development. District staff review incoming development plans, converse with the development community, and condition and approve submitted WQMPs. In terms of public development, the County has four separate organizational entities which are granted with building authority and therefore have WQMP obligations. These organizations include: EDA, Transportation Department, Facilities Management Department, and the Regional Park & Open-Space District. At the time of the initial inspection in September 2007, County representatives stated that District staff did not have any involvement or participation in the review of WQMPs for public development. During the course of the January 2008 inspection, County representatives stated that opportunities to involve District staff in WQMP reviews for public projects was being discussed but formal arrangements for shared services had yet to be determined or implemented. As such, while staff from the County's Executive Office provide guidance, each organizational entity was fully responsible for implementation of the County's WQMP program.

The inspection team visited a number of private WQMP projects in various stages of development to generally observe BMP selection, placement, operation, and maintenance. The WQMP project sites that were visited included: (1) Arco Gas Station (ID No. PA05-0127) and (2) Southern California Edison staging area (ID No. PA05-0036).

On-site inspection activities for public development projects focused primarily on the project sponsorship, design, and development activities of the EDA, the Transportation Department, and Facilities Management Department. The Regional Park & Open-Space District was not evaluated in depth as it was stated that the other three county entities frequently implement development projects on their behalf.

Summary Finding for Section F. Development Planning

With two exceptions (listed below as Findings 4 and 5), there were no adverse findings identified regarding the District's implementation of the Section F. Development Planning requirements for the private development community. District staff appeared well trained and knowledgeable with the implementation of the County's WQMP program and the use of post-construction BMPs and adequate procedures were in place to ensure identification of WQMP-applicable projects. Deficiencies were not identified at the private development sites visited during the inspection. Findings 4 and 5 address deficiencies identified with the appropriate identification of Pollutants of Concern (POCs) and application of effective BMPs and the use of an effective program to ensure ongoing maintenance of post-construction BMPs at commercial and industrial locations.

In contrast, while the County Transportation Department was implementing the WQMP program, the EDA and Facilities Management Department had yet to establish a WQMP program and were not identifying or conditioning WQMP-applicable projects. These entities appeared to be in their infancy of developing and implementing a WQMP program that would comply with, or meet the intent of, the Section F. Development Planning requirements. Regional Board Order No. R9-2004.001 Requirement F.2.(b) requires the District and County “Within 365 days of adoption of this Order, each Permittee shall develop, adopt, and implement a SUSMP to reduce pollutants to the MEP and to maintain or reduce downstream erosion and protect stream habitat from all Priority Development Projects.” This required a SUSMP program to be developed, adopted, and implemented no later than July 15, 2005. As demonstrated during the inspection and substantiated in Findings 1, 2, and 3, the County was not in compliance with this provision. Furthermore, it is problematic that worthwhile and significant county-sponsored efforts to develop a Policy on Sustainable Development and construct a Leadership in Energy and Environmental Design (LEED) building would progress without reference to or incorporate the County’s WQMP program (see Findings 2 and 3 below). The following significant deficiencies were identified with the County’s implementation of the WQMP program for public projects.

1. Failure to Adopt and Implement a SUSMP. Regional Water Board Order No. R9-2004-001, Requirement F.2.b. requires the County to “develop, adopt, and implement a SUSMP to reduce pollutants to the MEP [maximum extent practicable] and to maintain or reduce downstream erosion and protect stream habitat from all Priority Development Projects.” Pursuant to this requirement, the County has developed the Riverside County Water Quality Management Plan for Urban Runoff dated July 24, 2006 (hereafter, Riverside WQMP Manual). Internally, however, the County EDA and Facilities Management Department have not formally adopted or adequately implemented the Riverside WQMP Manual. Based on questioning by the inspectors, the County EDA and Facilities Management Department staff displayed partial knowledge of the MS4 permit requirements and were not knowledgeable or aware of the Riverside WQMP Manual itself. During the course of the inspection, copies of both documents were provided to County EDA staff for compliance assistance purposes. As a result, the County EDA and Facilities Management Department have not formally adopted or adequately implemented a SUSMP to reduce pollutants to the MEP and to maintain or reduce downstream erosion and protect stream habitat from all Priority Development Projects.

2. Failure to Develop a Process by which SUSMP Requirements will be Implemented. Regional Water Board Order No. R9-2004-001, Requirement F.2.b.(6), Implementation Process, requires the County to “develop a process by which SUSMP requirements will be implemented.” Because the County EDA and Facilities Management Department had not implemented the Riverside WQMP Manual and associated procedures, these entities did not have a structured program in place for Capital Improvement Projects (CIPs) to: (1) identify all Priority Development Projects for applicability of the SUSMP requirements (see Finding 3), (2) require the development of Project-Specific WQMPs, (3) review Project-Specific WQMPs for compliance with the SUSMP requirements, or (4) ensure adequate long-term maintenance of constructed WQMP Best Management Practices (BMPs) (see Finding 5). During the inspection, both Facilities Management Department and EDA staff acknowledged that they did not have a structured WQMP program but stated that they were willing and eager to develop and implement

the SUSMP requirements. Facilities Management Department staff indicated that they were currently re-writing contracting specifications and would include WQMP requirements in future versions.

The Facilities Management Department Contract General Conditions dated March 2006 (hereafter, Contract General Conditions), states that the “contractor shall keep informed of, and comply with, all federal, state, and county laws, ordinances, rules, and regulations applicable to the Work.” However, the language in the Contract General Conditions does not clearly specify that a project must be built in accordance with the Project-Specific WQMP. Furthermore, the Contract General Conditions do not reference or require the use of the Riverside WQMP Manual, a document which is intended to guide the development of an adequate Project-Specific WQMP. As a result, the County does not have an adequate mechanism to ensure that the SUSMP requirements will be implemented. This appeared substantiated by recent design and construction activities that have occurred without reference to, or incorporation of, a project-specific WQMP.

Additionally, County representatives stated that the County Board of Supervisors is currently in the process of establishing the County’s policy on sustainable building. The draft Sustainable Building Policy document sets a minimum performance target to reuse and clean water onsite. Furthermore, the document states that “green building design will help to reduce operating costs associated with...storm water management.” Despite the draft policy’s effort to address the topic of storm water management, it does not establish minimum performance targets which are aligned with the WQMP requirements of Regional Water Board Order No. R9-2004-001. It is strongly recommended that the County leverage its policy on sustainable building to better integrate its land-use practices with its water quality goals and obligations. During the course of the inspection, County staff expressed that they were willing and eager to incorporate the WQMP program into the County’s contract language and would explore opportunities to incorporate WQMP provisions into the policy on sustainable building. The County must develop a process by which SUSMP requirements will be implemented.

3. Failure to Identify WQMP-Applicable Projects. Regional Water Board Order No. R9-2004-001, Provision F.2.b, requires that each Permittee “review and ensure that all Priority Development Projects meet SUSMP requirements.” Requirement F.2.b. of the Order defines Priority Development Projects as: “(a) all new development projects, and (b) those redevelopment projects that create, add or replace at least 5,000 square feet of impervious surfaces on an already developed site, that are listed under the project categories or locations in Requirement F.2.b.(1).”

The EDA and Facilities Management Department did not have a structured program to ensure that their County-sponsored CIPs are reviewed by a trained person or entity for WQMP applicability or to ensure the development, adequacy, or implementation of a Project-Specific WQMP. As stated by EDA and Facilities Management Department personnel, as of January 15, 2008 neither of these entities had developed a Project-Specific WQMP for a completed CIP. The Facilities Management Department had been actively approving CIPs during the current permit term and following the compliance date of July 15, 2005, without a structured WQMP program in place. For example, the proposed Southwest Justice Center (SWJC) Parking Lot Expansion is proposed to be located at 30755 Auld Road in unincorporated Murrieta, CA. The Facilities

Management Department Capital Project Status Report dated January 2008 (hereafter, Facilities CIP List), states that the project will include the addition of 390 parking spaces and that a contract agreement was being prepared (see attached Exhibit 1). Although this project qualifies as a Priority Development Project under F.2.b.(1)(b) and F.2.b.(1)(g) of the Order, the Facilities CIP List indicates that a contract agreement could be finalized without incorporating the SUSMP requirements for the project. As a result, the Facilities Management Department had not ensured that all Priority Development Projects meet SUSMP requirements.

Due to the limited availability of completed projects identified as Priority Development Projects by the County, the inspection team visited project sites in both the Santa Margarita River and Santa Ana River¹ watersheds. Activities conducted within the Santa Ana River watershed are regulated by Santa Ana Regional Water Board Order No. R8-2002-0011. Section VIII.B.1. of that Order requires that the WQMP address management of Urban Runoff quality from non-residential developments where the land area of the project site is 5,000 square feet or more. The WQMP requirements of Order No. R8-2002-0011, Section VIII.B.1., would apply to a number of CIP sites identified and visited during the inspections that did not adhere to these WQMP requirements. Examples include:

Rubidoux Fleet Services Facility – This \$14 million dollar project was constructed under the administration of the EDA at the intersection of Crestmore Road and Mission Boulevard in unincorporated Rubidoux, CA. The project consists of a five acre municipal facility which provides vehicle maintenance, parking for 175 vehicles, and 5,000 square feet of office space. The project design was completed in December 2005 and construction was completed in July 2007. The facility was visited during the inspection and County representatives confirmed the project was designed and completed without a WQMP and associated post-construction BMPs. Information regarding the project (as well as others in the area) are available at <http://district2.co.riverside.ca.us/opencms/districthappenings.html>.

Woodcrest Community Library – This library was also constructed under the administration of the EDA at 17024 Van Buren Boulevard in unincorporated Riverside, CA. Groundbreaking ceremonies for the library occurred on November 2, 2006 and the project was opened to the public on November 10, 2007. The library consists of a 10,000 square foot LEED (Leadership in Energy and Environmental Design) certified building. Although the Woodcrest Library project implemented a number of post-construction BMPs, it is located on an approximate 2 acre project site and was not constructed in accordance with the aforementioned WQMP requirements or the associated Riverside WQMP Manual procedures. Information regarding the project is available at <http://appsweb.co.riverside.ca.us/news/process?action=viewPressRelease&id=1769>.

Although not visited during the inspections, the WQMP requirements of Order No. R8-2002-0011, Section VIII.B.1., would appear to apply to a number of additional CIPs which are currently being designed and/or constructed under the administration of the Facilities Management Department as follows: (1) the County Mental Health Department's Riverside Safe Haven located at 2800 Hulen Place in Riverside, CA; and (2) the County Community Health Agency's Administrative Building expansion. The County must apply the WQMP requirements

¹ Inspection activities in the Santa Ana River watershed were granted pre-inspection authorization by the Santa Ana Regional Water Board.

and associated Riverside WQMP Manual procedures to the categories of development identified in Order No. R8-2002-0011, Section VIII.B.1.

Due to the likelihood that additional CIPs qualify as a Priority Development Project, the County must review all current and proposed CIPs within both the Santa Margarita and Santa Ana River watersheds for WQMP applicability and develop a list of these projects including all data necessary to determine whether the CIPs qualify as a Priority Development Project, including but not limited to: land use, land area for development, area of impervious surface created or replaced, number of dwelling units, proximity to an ESA(s), and all other data relating to the Priority Development Project Categories specified in Requirement F.2.b.(1) of Order No. R9-2004-001 and Requirement VIII.B.1.b of Order No. R8-2002-0011. As a component of the list, the County shall make an initial Priority Development Project Category determination regarding the need for a WQMP and supporting rationale. The resulting list must be submitted to both the San Diego and Santa Ana Regional Water Boards.

4. Implementation of a Process to Ensure BMPs are Effective at Removing or Treating the Pollutants of Concern Associated with the Project. Regional Water Board Order No. R9-2004-001, Requirement F.2.b.(2)(d) requires that WQMP BMPs “be effective at removing or treating the pollutants of concern associated with the project.” The County did not have an adequate procedure for requiring the application of BMPs which are effective at removing or treating the POCs associated with Capital Improvement Projects and Private Development. The County’s procedure only required the review of plans for appropriate BMPs when the CIP’s receiving waters are CWA Section 303(d) listed waters for the identified POCs. Regional Water Board Order No. R9-2004-001, Requirement F.2.b.(5), Pollutants or Conditions of Concern, states that “the procedure shall address, at a minimum: (1) Receiving water quality (including pollutants for which receiving waters are listed as impaired under CWA section 303(d); (2) Land use type of the development project and pollutants associated with that land use type; (3) Pollutants expected to be present on site; (4) Changes in storm water discharge flow rates, velocities, durations, and volumes resulting from the development project; and (5) Sensitivity of receiving waters to changes in storm water discharge flow rates, velocities, durations, and volumes.”

Due to the lack of an adequate procedure for requiring the application of appropriate BMPs for identified POCs, it appeared that project proponents (i.e., developers or consultants retained by the county) could propose any BMP or suite of BMPs listed in the County’s WQMP Manual irregardless of the BMPs applicability to items 1 through 5 above. This in turn could lead to the deployment of permanent post-construction BMPs that are ineffective at removing or treating the suite of POCs associated with a project. The following project exemplifies this problem.

Site: Clinton Keith Road Widening from George Avenue to Copper Craft Drive located in unincorporated Murrieta, CA 92562

Regional Water Board Order No. R9-2004-001, Requirement F.2.b.(2)(d) requires that WQMP BMPs “be effective at removing or treating the pollutants of concern associated with the project.” Pursuant to this requirement, the Riverside WQMP Manual, Section 4.5.3 Treatment Control BMPs, states that “for identified Pollutants of Concern (POCs) that are causing

impairments in receiving waters, the Project-Specific WQMP shall incorporate one or more Treatment Control BMPs of at least *medium* efficiency [emphasis added].” The Transportation Department hired URS Corporation to prepare a WQMP for this project. The Project-Specific WQMP dated May 11, 2007, Section III. Pollutants of Concern, identifies both Murrieta Creek and the Santa Margarita River as receiving waters for this CIP. The Final 2006 CWA Section 303(d) List of Water Quality Limited Segments identifies the entire length of Murrieta Creek (12 miles) as impaired for the following: iron and manganese (metals), and nitrogen and phosphorus (nutrients); and the upper portion of the Santa Margarita River (18 miles) as impaired for phosphorus. The Project-Specific WQMP selected Fossil Filter Inserts (County Standard No. 300A) to be installed on all catch basins throughout the project extent, even though the BMPs have an unknown (U) removal efficiency for the POCs identified in the Final 2006 CWA Section 303(d) List of Water Quality Limited Segments (metals and nutrients), (see attached Exhibit 2).

The Department of Transportation also hired Bureau Veritas North America, Inc. (BVNA) to conduct a third party review of the Project-Specific WQMP. BVNA’s technical review memorandum dated, June 15, 2007, identifies this deficiency as it states “Catch Basin Filter Inserts are not an appropriate BMP for this project because...they do not treat the primary pollutants of concern (those generated by the site and also found in the receiving waters) to a medium/high removal efficiency level. Select a more appropriate BMP that RCTD [Riverside County Transportation District] approves and that provide the required treatment.” Additional documentation and/or revisions to the WQMP were not available during the inspection and therefore it was not determined if the Project-Specific WQMP had been revised accordingly. However, it should also be noted that construction activities had not yet commenced on the project.

The selection of BMPs which are protective of POC levels will be vitally important as TMDLs continue to be adopted and implemented in the permittee’s jurisdiction. Furthermore, the selection of WQMP BMPs which are effective for the identified POCs is more likely to result in measurable and tangible water quality improvement. The County must select WQMP BMPs which are effective at removing or treating the pollutants of concern associated with the project. Additionally, for identified POCs that are causing impairments in receiving waters, the County must ensure that the Project-Specific WQMP incorporates one or more Treatment Control BMPs of at least *medium* efficiency.

5. Failure to Implement a Process to Ensure Ongoing Maintenance: Regional Board Order No. R9-2004-001, Requirement F.2.b.(6), Implementation Process, requires the County to “develop a process by which SUSMP requirements will be implemented.” Furthermore, Requirement F.2.b.(2)(j), BMP Requirements, requires that BMPs shall: “Include proof of mechanism, to be provided by the project proponent or Permittee, which shall ensure the ongoing long-term BMP maintenance.” The County did not have a mechanism in place to add those new private development projects without Conditions, Covenants, and Restrictions (CC&Rs), such as restaurants, to the its inventory of BMPs. The County’s current process appeared adequate for residential developments but did not appear to be effective for commercial or industrial developments. As a result, the County did not provide an adequate mechanism to ensure that all BMPs are maintained as required. Further, the County was not tracking the ongoing maintenance of BMPs. Specifically, required maintenance, maintenance history, inspection

results, and physical characteristics were not tracked. To ensure compliance with the requirements presented above, the County needs to develop and implement a system to more effectively track deployment, ownership, and maintenance of WQMP BMPs associated with commercial and industrial developments to ensure adequate long-term maintenance of the BMPs.

Section L. Monitoring and Reporting Program

The District has entered into interlocal agreements with the copermitees to implement the Monitoring and Reporting Program (MRP) as required by Order R9-2004-001. The MRP is organized as follows:

MRP Section I. Purpose. The MRP is intended to meet the following goals:

1. Assess compliance with Order R9-2004-001;
2. Measure and improve the effectiveness of the SWMPs;
3. Assess the chemical, physical, and biological impacts of receiving waters resulting from urban runoff;
4. Characterize urban runoff discharges;
5. Identify sources of pollutants;
6. Prioritize drainage and sub-drainage areas that need management actions;
7. Detect and eliminate illicit discharges and illicit connections to the MS4; and
8. Assess the overall health of the receiving waters.

MRP Section II. Monitoring Program. The Monitoring Program consists of the following elements:

- A. Receiving Waters Monitoring
 - A.I Core Monitoring²
 1. Mass Loadings
 2. Water Column Toxicity Testing
 3. Bioassessment
 4. Follow-up Actions Based on Triad Approach
 5. Tributary Monitoring
 - A.II Regional Monitoring
 - A.III Special Studies
- B. Illicit Discharge Monitoring
- C. Monitoring Provisions

MRP Section III. Reporting Program. The Reporting Program consists of the following elements:

- A. SWMP Reporting Requirements
 1. Individual Annual Report
 2. Watershed Annual Report
- B. Receiving Waters Monitoring Reporting Requirements
 1. Monitoring Program Annual Report
- C. Certified Perjury Statement

² The Mass Loadings, Water Column Toxicity Testing, and Bioassessment monitoring components of the Core Monitoring section are collectively referred to as the triad approach.

The inspection activities conducted in September 2007 and January 2008 focused primarily on the Districts implementation of the Section II. Monitoring Program and Section III.B Monitoring Program Annual Report requirements. The inspection included interviews with District personnel and their consultants and a review of the District's 2006 - 2007 Monitoring Annual Report submitted pursuant to Section III.B.1. With the exception of an overall finding relating to the purpose and goals of the monitoring program, which is presented last, the remainder of this report is organized to follow the MRP outline presented above.

MRP Section II.A.I.1 Core Monitoring.

The District has established the following four triad monitoring stations for wet and dry weather monitoring:

Triad Stations:

Temecula Creek below Pala Road – Station No. 777 (Lower Temecula Creek)

Lower Murrieta Creek @ USGS Weir – Station No. 778

Cole Creek – Station No. 188

Adobe Creek – Station No. 848

The District stated that Cole Creek is used as a wet weather reference station while Adobe Creek serves as a dry weather reference station.

The following findings were identified with respect to the District's implementation of triad monitoring.

6. Failure to Collect Wet Weather Mass Loading Samples. Monitoring and Reporting Program No. R9-2004-001, Section II.A.1(b), requires the Permittees to monitor the first storm event of each monitoring year that produces sufficient flow to collect a composite sample, and a minimum of two additional storm events during each monitoring year at each triad station (i.e., a total of three storm events are required to be sampled). During monitoring year 2006 - 2007, the District failed to obtain the required number of wet weather mass loading samples at all triad stations. Specifically, no wet weather samples were collected at the Cole Creek wet weather reference station, one wet weather sample was collected at the Lower Murrieta Creek station, and one wet weather sample was collected at the Temecula Creek station. [These samples were improperly collected – see Finding 9 below.] A summary of the District's mass loading sampling is provided as Exhibit 3. The exhibit was compiled based on the District's Field Data Sheets for the 2006 – 2007 reporting period that were obtained during the January 2008 inspection.

It should be noted that based on Table G-10 of the District's 2006 – 2007 Annual Monitoring Report and a review of Field Data Sheets, the Mass Loading sites were only visited during three wet weather events during the monitoring year. These dates included December 16, 2006, February 22, 2007, and April 20, 2007. The lone wet weather sample was obtained during the April 20, 2007 event. Precipitation data provided in Table G-8 of the 2006 – 2007 Monitoring Annual Report indicates that at least 8 precipitation events of greater than 0.1 inch occurred during the reporting period.

Additionally, the District only conducted one site visit to the Cole Creek triad monitoring station during the monitoring year. During this single visit it was determined that flow in the waterway was insufficient to obtain a composite sample. For the storm event on April 20, 2007 (when the other Mass Loading stations were sampled), District representatives stated that the Cole Creek site was not visited because the District assumed that the site would not have flowing water.

7. Failure to Monitor First Storm Event. Monitoring and Reporting Program No. R9-2004-001, Section II.A.1(b), requires the Permittees to monitor the first storm event of each monitoring year (July 1 through June 30) that produces sufficient flow to collect a composite sample, and a minimum of two additional storm events during each monitoring year at each triad station. The District is using the Riverside County Consolidated Monitoring Program for Water Quality Monitoring dated September 2007 (hereafter, Consolidated Monitoring protocol) as its procedure manual for the monitoring programs. The Consolidated Monitoring protocol defines a measurable storm event in accordance with an EPA classified storm event as follows: greater than 0.1 inch of accumulated precipitation preceded by 72 hours of dry weather. Furthermore, the Consolidated Monitoring protocol amends the 72 hour mark to include storms within that time frame that produce flow, given the first storm may not produce sufficient flow to collect a sample.

Based on available precipitation and USGS stream flow data, it appears the District failed to obtain the required samples during the first storm event that produced sufficient flow in monitoring year 2006 - 2007. A detailed review of the Lower Murrieta Creek monitoring station (Station No. 778) was conducted to be representative of the failure to obtain samples as follows:

Based on precipitation data provided in Table G-8 of the 2006 - 2007 Monitoring Annual Report, the first measurable storm event in monitoring year 2006 - 2007 at the Murrieta Creek weather station was recorded as 0.59 inches on September 6, 2006. The District did not complete a site visit during this event and District staff cited their Consolidated Monitoring protocol amendment regarding insufficient flow for sample collection during the first storm event. Data obtained from the USGS gaging station on Murrieta Creek (USGS Station No. 11043000), which is 600 feet downstream of the sample location, substantiated the lack of flow as the recorded flow measurement was less than 0.10 cubic feet per second (cfs). The second measurable storm event in the Murrieta Creek watershed was recorded as 0.13 inches on October 14, 2006, but based on USGS flow records also did not result in sufficient flow to obtain samples. The first measurable storm event of monitoring year 2006 - 2007 that resulted in sufficient flow to obtain a sample at the District's Murrieta Creek weather station was recorded as 0.29 inches on December 10, 2006. A flow of 30 cubic feet per second (cfs) was recorded at USGS Station No. 11043000 on December 10, 2006, however the District did not complete a site visit nor did they obtain samples during this event. As stated in the 2006 - 2007 Monitoring Annual Report, "During storm events, sampling is conducted at the USGS Gage House, upstream of the USGS weir due to safety." [Additionally, the District did not complete site visits or obtain any samples from either the Cole Creek or Lower Temecula triad monitoring stations during this event.]

Based on a review of USGS streamflow data for the Murrieta Creek watershed, it appears that five instances of measurable flow occurred between September 6, 2006 and April 21, 2007 that

resulted in sufficient flow for obtaining wet weather samples in the Murrieta Creek. In these instances, the streamflow equaled or exceeded the stream flow present during the April 20, 2007 sampling event. A complete assessment of streamflow present within Murrieta Creek is attached to this report as Exhibit 4.

Based on the above information, the District appears to have an inadequate process for the identification and mobilization of sampling efforts to obtain monitoring data. The District heavily relies upon guidelines that use both the Quantitative Precipitation Statement (QPS) of forecasted precipitation events and antecedent moisture condition (AMC) within the watershed to identify opportunities to collect wet weather samples. The District stated that sample mobilization does not occur unless the QPS predicts a storm greater than 0.5 inches. It should be noted that use of 0.5 inches as a qualifying event contradicts the District's own procedures as presented in Section 3.A of the Consolidated Monitoring protocol. It appeared that this process may allow measurable storms to occur without being sampled (or at least field verified). Additionally, the QPS tracking does not begin until mid October which is after the onset of the wet season. The District representative stated that storms are tracked prior to the initiation of the QPS in October, but that mobilization does not commonly occur due to the fact that QPS predictions are often unreliable.

It appears that the District is challenged in obtaining samples from the triad stations due to problems with the mobilization process. For instance, the District does not appear to be timing site visitation with an expected time of actual flow. This is evident in the February 22, 2007 site visit to the Murrieta Creek monitoring station for obtaining wet weather sampling of an anticipated storm event. According to the Field Data Sheet (Exhibit 5), the site visit was conducted prior to the time of sufficient flow (as documented at the USGS gaging station, see Exhibit 4). The Consolidated Monitoring protocol references USEPA's storm classification and sample collection procedures (i.e., USEPA Stormwater Sampling Guidance Document 833-8-92-001 (July 1992)) specifying that composite samples should be taken during the first 3 hours of the storm or for the entire duration of the storm (if the event is less than 3 hours long). However, based on a review of Field Data sheets and USGS flow data, it appears that there is a disconnect between the timing of the site visits compared to the expected time that the wet weather flow would actually reach the monitoring station. The District should evaluate this procedure in light of other sampling requirements and commitments and make recommendations to the Regional Water Board regarding possible remedies.

8. Failure to Provide Written Explanation for Lack of Sampling. Monitoring and Reporting Program No. R9-2004-001, Section II.A.1(c), requires that "in the event that the required number of storm events are not sampled during one monitoring year at any given station, the Permittees shall submit, with the subsequent Annual Report, a written explanation for a lack of sampling data, including streamflow data from the nearest USGS gaging station." The 2006 - 2007 Monitoring Annual Report did not include a written explanation for the lack of mass loading sampling data at the triad stations, nor did the District provide streamflow data from the USGS gaging station or any other type of flow monitoring data that indicated that streamflows were not sufficient to collect the required samples.

District staff stated during the inspection that the watershed received very little rainfall during the reporting period which resulted in the failure to collect the required number of samples. Because the required number of storm events were not sampled during monitoring year 2006 - 2007 at all triad stations, the District must submit a written explanation for the lack of sampling data, including streamflow data from the nearest USGS gaging stations, to explain why the District did not monitor the required number of storm events.

9. Failure to Adhere to Required Monitoring Provisions. Monitoring and Reporting Program No. R9-2004-001, Section II.A.1(f), requires that “mass loading sampling and analysis protocols shall be consistent with 40 CFR 122.21(g)(7)(ii) and with the EPA Storm Water Sampling Guidance Document (EPA 833-B-92-001). Storm water samples shall be flow-weighted composites, collected during the first 3 hours of flow, or for the duration of the storm if it is less than 3 hours.” The mass loading samples collected by the District at the triad stations do not conform with the referenced guidance documents as the District did not collect flow-weighted composite samples, and also did not adequately document whether the samples were collected during the first 3 hours of flow or for the duration of the storm when it is less than 3 hours. The District did not obtain composite samples from the triad stations during the sampling events conducted in monitoring year 2006 - 2007 as required by Section II.A.1(f) of the MRP. The District’s Field Data Sheets indicate that the mass loading samples collected during the monitoring year at the triad stations were obtained as grab samples instead of the required composite samples. These samples include wet weather sampling events on April 20, 2007 at the Temecula Creek and Lower Murrieta Creek monitoring stations. This departure from the established Consolidated Monitoring protocols and Order requirements was not disclosed within the 2006 - 2007 Monitoring Annual Report. The reliance on grab samples was only identified after reviewing Field Data Sheets and questioning by the inspectors. The District must collect storm water samples which are flow-weighted composites, collected during the first 3 hours of flow, or for the duration of the storm if it is less than 3 hours.

10. Failure to Monitor First Storm Event for Full EPA Priority Pollutant List. MRP No. R9-2004-001, Section II.A.1(h), requires that at the triad stations, the first storm of every sampling year be analyzed for the full EPA priority pollutant list as defined in 40 CFR 122, Appendix D. The District’s 2006 - 2007 Monitoring Annual Report states in Section G-6.1.1 that “During the first storm event of the reporting period, samples collected at the Triad stations were analyzed for the complete list of priority pollutants (40 CFR 122, Appendix D).” A review of the actual monitoring results reported in the District’s Monitoring Annual Report revealed that the full list of priority pollutants was not actually completed as the samples collected on April 20, 2007 were not analyzed for bacteria and nutrients. 40 CFR 122, Appendix D, Table IV (Conventional and Non-conventional Pollutants Required To Be Tested by Existing Dischargers if Expected to be Present) lists bacteria and nutrients to be sampled if expected to be present in the receiving water.

It is reasonable to believe that nutrients and bacteria are present in the receiving waters of Cole Creek, Temecula Creek, Lower Murrieta Creek, and Adobe Creek based upon the following:

(1) There are CWA Section 303(d) impairments in the Santa Margarita River watershed for nutrients. Specifically, the Final 2006 CWA Section 303(d) List of Water Quality Limited

Segments identifies the entire length of Murrieta Creek (12 miles) as impaired for nitrogen and phosphorus (nutrients); and the upper portion of the Santa Margarita River (18 miles) as impaired for phosphorus; and

(2) The Water Quality Control Plan for the San Diego Basin, dated September 8, 1994 (hereafter, Basin Plan) specifies Water Quality Objectives (WQO) for fecal coliform. Fecal coliform is listed in Table G-27 of the District's 2006-2007 Monitoring Annual Report (Summary of Constituents of Concern) as detected above the WQO at Temecula Creek during one dry weather event and detected above the WQO at all tributaries during wet weather.

(3) The District collected samples for both nutrients and bacteria during their April 20, 2007 wet weather sampling at their tributary stations. Fecal coliform bacteria and nutrients were found to exceed the WQO in 7 of 8 bacteria samples and 10 of 10 nutrient samples, respectively.

(4) The District sampled for bacteria and nutrients during the October 17, 2006 and May 10, 2007 dry weather sampling events at both the Murrieta and Temecula Creek stations.

For these reasons, it is unclear why the District would fail to monitor for bacteria and nutrient during the single wet weather sampling event of the monitoring season. Pursuant to MRP No. R9-2004-001, Section II.A.1(h), the District must ensure that during the first storm event of the reporting period, samples collected at the Triad stations are analyzed for the complete list of priority pollutants (40 CFR 122, Appendix D).

Pages G-45 through G-63 of the District's 2006 – 2007 Monitoring Annual Report is attached to this report as Exhibit 7.

11. Failure to Conduct Follow-up Analysis and Actions Based on Triad Approach.

Monitoring and Reporting Program No. R9-2004-001, Section II.A.I.4, establishes a matrix of required follow-up actions based on the results of the triad monitoring. As presented in section G-6.4.3 of the 2006 – 2007 Monitoring Annual Report, the District states that "During the 2004-2005 and 2005-2006 reporting periods, toxicity to *Hyaella* was observed in 1 of 3 and 3 of 4 stormwater collections respectively, for both Temecula and Murrieta Creeks." During the course of the September 2007 and January 2008 inspections, the District stated that they examined the results and internally determined with their consultants that the results were not valid because the WET test species were coated with microorganisms that they believed to be the cause of the observed toxicity. It was stated that for this reason the District did not initiate a TIE in either 2005 or 2006 as is required by the permit. During the 2006 – 2007 reporting period, toxicity was again observed for *Hyaella*, however this time the District's consultant determined that, while present, the microorganisms were likely not the cause of the identified toxicity. The District subsequently initiated the required TIE procedure, which identified pyrethroids as the toxicant. The District conducted the TIE in May and June of 2007 and received the final results on July 7, 2007. Pursuant to Monitoring and Reporting Program No. R9-2004-001, Section II.A.4 Table 2, the District should have initiated a TIE following the evidence of toxicity in the previous monitoring years.

Furthermore, Monitoring and Reporting Program No. R9-2004-001, Section II.A.4(b) requires a Toxicity Reduction Evaluation (TRE) be conducted immediately upon the completion of a Toxicity Identification Evaluation (TIE) that identifies a pollutant(s) associated with urban runoff as a cause of any identified toxicity. The District did not initiate a TRE immediately upon completion of the TIE. As of the September 20, 2007 inspection, the District had yet to initiate the TRE process. During the January 2008 inspection, the District stated that a TRE had been initiated but they did not intend on submitting the TRE until submittal of their 2007-2008 Monitoring Annual Report which is due on or before October 31, 2008. Section II.A.4(b) requires that once the source of toxicity and appropriate BMPs are identified that the permittee submit the TRE to the Regional Water Board for review. As such, the District is strongly encouraged to submit the TRE report and associated program changes to the Regional Water Board for review immediately upon its completion.

MRP Section II.A.I.5. Tributary Monitoring

12. Failure to Analyze for Constituents of Concern and Collect Dry Weather Tributary Samples. Monitoring and Reporting Program R9-2004-001, Section A.I.5.a) Tributary Monitoring, states the permittees “shall collect a grab sample from the first storm event of each monitoring year, a minimum of one additional storm event, and two dry weather events during each monitoring year at the following four tributary stations to help identify sources of pollutants.” This requirement equates to the collection of two wet weather and two dry weather samples. The District has identified the following four tributary stations:

Warm Springs Creek – Station No. 397
Lateral A of Santa Gertudis Creek – Temecula – Station No. 774
Long Canyon – Station No. 780
Redhawk Channel downstream of Overland Drive – Station No. 768

Monitoring and Reporting Program R9-2004-001, Section A.I.5(c) states “tributary samples shall be analyzed for the constituents of concern...” Table G-2 of the District’s 2006 – 2007 Monitoring Annual Report identifies the Constituents of Concern. Page G-4 of the 2006 – 2007 Monitoring Annual Report states “Per the MRP, monitoring of the tributary stations consists of collection of grab samples during the first storm event, an additional storm event and two dry weather events. The samples will be analyzed for the Constituents of Concern listed in Table G-2.” Section G-6.1.2 Core Monitoring – Tributary Stations (page G-47) states “Four dry weather and two wet weather sampling events were monitored at the Tributary stations during the 2006-2007 reporting period. Wet weather samples were analyzed for the Constituents of Concern in Table G-2. Dry weather samples were collected and analyzed as described in the Illicit Connection/Illicit Discharge (IC/ID) discussion in Section 7.3.5.” This procedure of analyzing dry weather samples per the IC/ID field screening procedure is a departure from the MRP requirements and the District’s own procedures. Both dry and wet weather samples should have been analyzed for the Constituents of Concern.

This departure appears to be due, in part, to the fact that the District has elected to use their four tributary stations as their illicit discharge stations. Based on a review of Field Data Sheets, it appears that field crews were either unaware, or became confused, regarding the need to collect a

complete suite of parameters listed in Table G-2 during the dry weather events. Instead, the field crews appeared to have only collected the field screening data conducted as a component of the IC/ID program. Nonetheless, the District did not collect the full suite of parameters listed in Table G-4 during the dry weather sampling events.

Additionally, as displayed in Table G-12: Detected Results, the District collected only one dry weather sample at the Santa Gertudis Creek station and no dry weather samples at the Warm Springs Creek. As reported in Table G-31 of the 2006 – 2007 Monitoring Annual report, the Long Canyon, Santa Gertudis Creek, and Warm Springs Creek stations were only visited on September 14, 2006 and March 20, 2007. Additional efforts to collect the dry weather samples were not performed and therefore it does not appear that the District took all reasonable steps to acquire the required samples.

Further, the District did not collect bacteria samples during the first wet weather event on December 16, 2006 at the Long Canyon, Redhawk Channel, Santa Gertudis Creek, and Warm Springs Creek tributary stations. Bacteria samples were not collected during the September 14, 2006 sampling event at Long Canyon, Santa Gertudis Creek, and Warm Springs stations. During the course of the January 2007 inspection, the District stated that bacteria sampling has been difficult due to an inability to meet holding times at the contract laboratory. As a result, many of the collected bacteria samples have not been analyzed or reported.

It should be noted that the District did not proactively identify the above deficiencies and departures from the MRP requirements and their own Consolidate Monitoring protocols. Rather, the District states in Section G-6.1.2 Core Monitoring – Tributary Stations (page G-47) that “Four dry weather and two wet weather sampling events were monitored at the Tributary stations during the 2006-2007 reporting period.” This statement is proven to be false.

Pages G-45 through G-63 of the District’s 2006 – 2007 Monitoring Annual Report is attached to this report as Exhibit 7.

MRP Section II.B. Illicit Discharge Monitoring

13. Effectiveness of Illicit Discharge Monitoring Locations. Monitoring and Reporting Program No. R9-2004-001, Section II.B.1(a), Illicit Discharge Monitoring, requires that “stations shall be accessible points in the MS4 (i.e., outfalls, manholes or open channels) located downstream of potential sources of illicit discharges (i.e., commercial, industrial, and residential areas). Permittees shall use the MS4 map, developed pursuant to section J.2 of Order No. R9-2004-001, to help locate dry weather monitoring stations and to determine the number necessary to adequately represent the entire MS4.”

As previously stated, the District selected the four tributary sites as their illicit discharge monitoring sites. These sites are located within the receiving streams and/or within open channel systems that routinely contain standing or ponded water throughout much of the year. As a result, the usefulness of these locations in identifying unauthorized dry weather discharges to the MS4 and eliminating their respective source(s) was questionable. The District should consider

selecting new or additional dry weather monitoring stations at appropriate points in the MS4, the number of which are adequate to represent the entire MS4 under dry weather conditions.

MRP Section II.C. Monitoring Provisions

14. Failure to Adhere to Monitoring Provisions. Monitoring and Reporting Program No. R9-2004-001, Section C requires that all monitoring shall meet established federal and state regulations that govern record keeping and sample collection, analysis, and reporting. Specifically, Monitoring and Reporting Program No. R9-2004-001, Section II.C.(c), requires that records of monitoring information include: (1) the date, exact place, and time of sampling or measurements; (2) the individual(s) who performed the sampling or measurements; (3) the date(s) analyses were performed; (4) the individual(s) who performed the analysis; (5) the analytical techniques or methods used; and (6) the results of such analyses.

A review of the Districts Field Data Sheets was performed during the January 2007 inspection. The review indicated that the records of sampling events are not fully completed on a regular basis and critical information from the Field Data Sheets is missing. Missing data includes names of samplers, required signature of lead sampler, select field measurements, and critical information such as why grab samples were collected in lieu of composite samples. An example of the missing data is attached to this report as Exhibit 8.

As an example of where important information was left out of the Monitoring Annual Report, the District did not mention or explain within the 2006 - 2007 Monitoring Annual Report the reason for absence of dissolved oxygen (DO) readings for the dry weather sample collected on May 10, 2007. Upon questioning, the District representatives stated that the DO readings were not taken due to a broken meter. This was not recorded on the Field Data Sheets.

The District needs to ensure that its recordkeeping and sample collection, analysis, and reporting procedures adhere to the federal and state regulations presented in Monitoring and Reporting Program No. R9-2004-001, Section C.

MRP Section I. Purpose

15. Summary Finding Regarding Purpose and Goals of the Monitoring Program.

Monitoring and Reporting Program No. R9-2004-001, Section I., states that one of the goals of the MRP is to “measure and improve the effectiveness of the SWMPs [Storm Water Management Plans].” Based on the inspections, it is unclear how the District is using its monitoring programs to measure the effectiveness of the BMPs it has implemented and to accordingly identify modifications and improvements needed to its SWMP (or DAMP as it is referred to by the permittee). This statement is based on the findings presented above which are summarized below:

- The District did not monitor the required number of wet and dry weather events nor did they appear to take all reasonable steps to attempt to comply with the monitoring requirements;
- The District did not appear to take all reasonable steps to attempt to monitor the first storm event;

- Samples collected at the Mass Loading stations were not analyzed for the complete list of EPA priority pollutants during the first wet weather storm event of monitoring year 2006/2007;
- The District did not monitor the required number of dry weather events at the tributary stations nor did they appear to take all reasonable steps to attempt to comply with the monitoring requirements.
- Tributary station sample analyses were not conducted in accordance with MRP requirements or the Districts own procedures;
- The number and location of illicit discharge monitoring stations did not appear to be effective or sufficient to represent the MS4 and detect illicit discharges that may occur throughout the system; and
- As stated by District personnel, the sampling program and efforts are purposely structured so as to meet the minimum requirements contained within the MRP;
- The District failed to proactively identify known departures from their established sampling protocols and the permit requirements within their 2006 – 2007 Monitoring Annual Report. Several of these issues were only identified after record reviews conducted on-site by the inspection team.

Furthermore, as presented in Section A.I of the MRP, the triad and tributary Core Monitoring requirements are intended to generate water quality data that will build upon existing data to begin answering the following management questions:

- Are conditions in receiving waters protective, or likely to be protective, of beneficial uses?
- What is the extent and magnitude of the current or potential receiving water problems?
- What is the relative urban runoff contribution to the receiving water problem(s)?
- What are the sources of urban runoff that contribute to receiving water problems(s)?
- Are conditions in receiving waters getting better or worse?

Clearly, the task of generating sufficient data to answer these important management questions is not a trivial exercise. Based on the current design and implementation status of the Districts monitoring program, the ability of the District to begin answering the management questions at the end of the current Order term appeared questionable. In part, the District acknowledges this assessment as stated in Section G-6.4.6 of the Monitoring Annual Report.

Section III.B.1(d) of the MRP requires the permittees to submit a fourth-year Monitoring Report that shall include:

- A discussion of any long-term trends that can be detected from existing data (from all previous permit terms).
- Recommendations for future monitoring based on the results of previous efforts and the progress towards answering the management questions listed in Section II.A of the MRP and achieving the goals listed in Section I of the MRP.
- Recommended modifications to Individual or Watershed SWMPs to address identified source of pollutants in urban runoff.

As such, the District is encouraged to thoroughly evaluate the stated purpose, extent, existing data, and procedures of its monitoring program to ensure that the upcoming fourth-year Monitoring Report meets the objectives of the requirements.

ATTACHMENT 4

**NOTICE OF VIOLATION AND 13267
DATED JUNE 13, 2008**



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
Phone (858) 467-2952 • FAX (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

June 13, 2008

VIA CERTIFIED MAIL
7007 3020 0001 0040 7348

In reply refer to:
NWU:10-7004.02:bneill

Riverside County Executive Officer
Larry Parrish
Riverside County Administrative Center
4080 Lemon Street – 4th Floor
Riverside, CA 92501

RE: NOTICE OF VIOLATION AND REQUIRED TECHNICAL REPORT

Dear Mr. Parrish,

Enclosed is **Notice of Violation (NOV) No. R9-2008-0073** for the violations of California Regional Water Quality Control Board, San Diego Region (Regional Board) Order No. R9-2004-001, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0108766, *Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the County of Riverside, the City of Murrieta, the City of Temecula, and the Riverside County Flood Control and Water Conservation District within the San Diego Region (Permit)*.

The violations were identified during an inspection by the Regional Board with PG Environmental, a USEPA Region IX contractor. The failure to properly implement the requirements of the Development Planning Component, as detailed in the NOV, hinders the Copermittees ability to effectively reduce pollutants to the maximum extent practicable and to maintain or reduce downstream erosion and protect stream habitat. Furthermore, the proper implementation of the Development Planning Component will be vitally important as Total Maximum Daily Loads are adopted and implemented within your jurisdiction.

Therefore, pursuant to California Water Code section 13267 and 13383, the Copermittees are directed to prepare and submit a Required Technical Report (RTR) to the Regional Board no later than **5:00 PM, on July 16, 2008**. The RTR is required due to the violations noted in the enclosed NOV No R9-2008-0053. The RTR will be reviewed to determine if appropriate measures have been taken to address these violations and to assess the need for further enforcement action. The RTR shall provide the following information:

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1. An explanation section describing the reasons why the violations occurred.
2. A planned actions section describing how the Copermittees plan to correct these violations and to prevent these violations from occurring in the future. This section shall include but not be limited to:
 - a. A description and documentation that the County's Economic Development Agency and Facilities Management Department have adopted and started implementation of a Standard Urban Storm Water Mitigation Plan (SUSMP) for their capital improvement projects (CIPs). This description shall include the names, roles and responsibilities, and contact information of staff members responsible for the review, oversight and management of SUSMP implementation on their CIPs.
 - b. A description of measures taken to ensure the implementation of SUSMP requirements in County contracts for applicable projects.
 - c. A description of the SUSMP process for County CIPs to ensure that they are correctly identified as priority development projects (PDPs) including any checklists or manuals used by County staff to make that determination.
 - d. A description of measures taken to improve and ensure that the application of BMPs at County CIPs are effective at removing the pollutants of concern.
 - e. A description of the County's process to ensure ongoing implementation and maintenance of post construction BMPs at all private and public PDPs. This process must include the tracking of implementation, maintenance results, inspection history and physical characteristics to ensure ongoing effectiveness of the BMP.
3. An inventory of all County capital improvement projects within the Santa Margarita Watershed that started construction post July 15, 2005. The inventory shall include:
 - a. Whether or not the project was or should have been a priority development project and the reasons behind that determination;
 - b. The pollutants of concern for the priority development projects; and
 - c. The best management practices implemented at the priority development projects.
4. For all CIPs that the County determines have failed to implement the SUSMP requirements, the County shall submit and implement a plan to retrofit the projects to comply with Order No. R9-2004-001. If the County makes a determination that retrofitting is infeasible, then the County may propose a mitigation plan to offset the anticipated pollutant impacts that were not addressed through implementing SUSMP requirements.

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Attachments: Notice of Violation No. R9-2008-0073
USEPA Region IX MS4 Inspection Report

CC with attachments via email:

Ken Greenberg, USEPA, greenberg.ken@epa.gov
Mike Shetler, County of Riverside, mshetler@rceo.org
Wes Ganter, PG Environmental, LLC, wes.ganter@pgenv.com

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CIWQS: 13267: 346610
NOV: 346564
9/20/07 FIR: 1359665
1/15/08 FIR: 1359752
Violations: 760325, 760331, 760350, 760388, 760434



California Regional Water Quality Control Board San Diego Region

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June 13, 2008

IN THE MATTER OF: Riverside County Executive Officer Larry Parrish Riverside County Administrative Center 4080 Lemon Street – 4th Floor Riverside, CA 92501	NOTICE OF VIOLATION NO. R9-2008-0073 In reply refer to: NWU:10-7004.02:bneill WDID NOs. 9 0000512S1
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Order No. R9-2004-001, NPDES No. CAS0108766

YOU ARE HEREBY NOTIFIED THAT:

You are in violation of waste discharge requirements contained in California Regional Water Quality Control Board, San Diego Region (Regional Board) Order No. R9-2004-001, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0108766, *Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the County of Riverside, the City of Murrieta, the City of Temecula, and the Riverside County Flood Control and Water Conservation District (Permittees) within the San Diego Region*. Such violation subjects you to possible enforcement action by the Regional Board, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

On September 20, 2007, Brandi Outwin, Water Resource Control (WRC) Engineer, Kristin Schwall, WRC engineer, Lilian Busse, Environmental Scientist, and Peter Peuron, Environmental Scientist, accompanied by Wes Ganter and Max Kuker, of PG Environmental, LLC, a USEPA Region IX contractor, conducted an inspection to investigate the Copermitttee's compliance with Order No. R9-2004-001. Again on January 15, 16, and 17, 2008, Chad Loflen, Environmental Scientist, accompanied by PG Environmental conducted a follow-up inspection and identified the violations described below. USEPA's report describing the findings of the inspections is attached.

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The inspections included the Riverside County Economic Development Agency and Facilities Management Department. As part of the County, this department and agency are required to adhere to the requirements of Order No. 2004-001.

The Riverside County Copermittees have chosen to name their "Standard Urban Storm Water Mitigation Plans" (SUSMP) as "Water Quality Management Plans" (WQMP). Therefore, this notice of violation uses the two terms interchangeably as SUSMP when referring to the Regional Board's Order No. R9-2004-001 requirements and as WQMP when referring to the Copermittee's plan to comply with Order No. R9-2004-001. The Order's SUSMP requirements are intended to ensure that pollutant discharges from Priority Development Projects (PDPs) are reduced to the maximum extent practicable (MEP).

SUMMARY OF VIOLATIONS:

I. Failure to Adopt and Implement a Standard Urban Storm Water Mitigation Plan (SUSMP)

➤ Order R9-2004-001, Provision F, Development Planning, F.2.b):

"Within 365 days of adoption of this Order, each Permittee shall develop, adopt, and implement a SUSMP ..."

Observation: The County of Riverside's Economic Development Agency (EDA) and Facilities Management Department have not formally adopted the Riverside WQMP to meet the Order's SUSMP requirements. Perhaps due to a lack of formal adoption, this agency and department have not adequately implemented the SUSMP requirements. During the inspection both County EDA staff and Facilities Management Department staff were not knowledgeable or aware of the Riverside WQMP.

II. Failure to Develop a Process by which SUSMP Requirements will be Implemented

➤ Order R9-2004-001, Provision F, Development Planning, F.2.b)(6):

"... the Permittees shall develop a process by which SUSMP requirements will be implemented."

Observation: Because the County of Riverside EDA and Facilities Management Department have not implemented the Riverside WQMP, these entities do not have a structured process in place for capital improvement projects (CIPs) to implement the SUSMP requirements. During the inspection both County EDA staff and Facilities Management Department staff acknowledged that they did not have a structured WQMP program. In addition to identifying SUSMP Applicable Projects (see violation III, below), the SUSMP process must require the development of project specific WQMPs, review the project specific WQMPs, and ensure adequate long-term maintenance of post construction BMPs (see violation V, below).

III. Failure to Identify SUSMP Applicable Projects

- Order R9-2004-001, Provision F, Development Planning, F.2.b:
“... each Permittee shall review and ensure that all Priority Development Projects meet SUSMP requirements.”

Observation: The County of Riverside's EDA and Facilities Management Department do not have a structured program to ensure that their County sponsored CIPs are reviewed by a trained person or entity for SUSMP applicability or to ensure the development, adequacy, or implementation of a project specific WQMP. For example, the proposed Southwest Justice Center Parking Lot Expansion will include the addition of 390 parking spaces and therefore qualifies as a PDP requiring a WQMP. The Facilities CIP List indicates that a contract agreement could be finalized without incorporating the SUSMP requirements for the project.

IV. Failure to Ensure BMPs are Effective

- Order R9-2004-001, Provision F, Development Planning, F.2.b)(2)(d):
“The BMPs shall, at a minimum ... Be effective at removing or treating the pollutants of concern associated with the project;”

Observation: The County did not have an adequate procedure for requiring the application of BMPs which are “effective at removing or treating the pollutants of concern associated with CIP and private development projects. For example, the Clinton Keith Road Widening from George Avenue to Copper Craft Drive in unincorporated Murrieta selected Fossil Filter inserts with unknown removal efficiency for the pollutants of concern. An unknown removal efficiency cannot be considered effective at removing the pollutants of concern.

V. Failure to Ensure Ongoing Maintenance

- Order R9-2004-001, Provision F, Development Planning, F.2.b)(2)(j):
“The BMPs shall ... Include proof of a mechanism, to be provided by the project proponent or Permittee, which will ensure ongoing long-term BMP maintenance.”
- Order R9-2004-001, Provision F, Development Planning, F.2.b)(6):
“As part of the SUSMP, the Permittees shall develop a process by which SUSMP requirements will be implemented.”

Observation: The County does not have a mechanism to add those new private development projects without Conditions, Covenants, and Restrictions (CC&Rs), such as restaurants, to its inventory of existing BMPs. The County's current process appears adequate for residential developments but did not appear to be effective for commercial or industrial developments. Typically, commercial and industrial developments do not have CC&Rs. Furthermore, the County was not tracking the ongoing maintenance, maintenance history, inspection results and physical characteristics of implemented BMPs.

June 13, 2008

Questions pertaining to the issuance of this Notice of Violation should be directed to Ben Neill at (858) 467-2983 or bneill@waterboards.ca.gov. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

David Barker
Supervising Water Resource Control Engineer
Attn: Ben Neill
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340



David Barker, P.E.
Supervising Water Resource Control Engineer

6/12/2008

DATE

ATTACHMENT 5

**EXCERPT FROM REQUIRED TECHNICAL REPORT
DATED JULY 16, 2008**

Ben Neill

Executive Office
County of Riverside

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

2008 JUL 17 A



Larry Parrish
County Executive Officer

July 16, 2008

Michael P. McCann
Assistant Executive Officer
Attn: Mr. Ben Neill
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

2008 JUL 17 A 9:52
SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

RE: Required Technical Report/NOV R9-2008-0073

Dear Mr. McCann and Mr. Neill

Enclosed is a copy of the Required Technical Report for NOV R9-2008-0073, for your review. A PDF file is being submitted electronically with this hard copy correspondence to follow via mail. If you have any question please contact either Alex Gann or me at (951)955-1110.

Sincerely,

Michael R. Shetler
Michael R. Shetler, REHS, MA
Senior Management Analyst
NPDES Stormwater Program Coordinator
Riverside County Executive Office

Attachment
Required Technical Report/NOV R9-2008-0073
w/attachments

Required Technical Report

Contents

Background

Questions the Required Technical Report (RTR) shall address

Summary of Violations

- | | |
|-----------|---|
| Section 1 | Explanation |
| Section 2 | Steps to Improve Accountability and Planned Action |
| Section 3 | Inventory of County Capital Improvement Projects |
| Section 4 | Implementation Plan |
| Section 5 | Water Quality Management Plan Update |
| Section 6 | Failure to Ensure BMPs are Effective
Clinton Keith Road Project
Riverside County Transportation Department
CIP and Private Development
Riverside County Flood Control and Water Conservation District |
| Section 7 | Concluding Remarks |
| Section 8 | Appendix
WQMP Checklist
WQMP Template
WQMP FAQs
Exhibit A- List of Propose CIP projects submitted by Departments
for FY 07/08
Exhibit B- Draft Professional Service Contract Language
Exhibit C- List of CIP Projects in Process from Facilities
Management.
Exhibit D- Example Agenda for CIP
Exhibit E-Map of Watershed |

ATTACHMENT 6

**REGIONAL BOARD LETTER DATED
SEPTEMBER 4, 2008**



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

September 4, 2008

In reply refer to:
NWU:bneill

Riverside County Executive Officer
Larry Parrish
Riverside County Administrative Center
4080 Lemon Street – 4th Floor
Riverside, CA 92501

Dear Mr. Parrish:

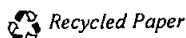
SUBJECT: Response to Notice of Violation No. R9-2008-0073

This letter is to acknowledge the July 17, 2008 receipt of the Required Technical Report (RTR) as requested in the section 13267 letter dated June 13, 2008. The section 13267 letter and NOV No. R9-2008-0073 were issued due to violations of California Regional Water Quality Control Board, San Diego Region (Regional Board) Order No. R9-2004-001, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0108766, *Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the County of Riverside, the City of Murrieta, the City of Temecula, and the Riverside County Flood Control and Water Conservation District within the San Diego Region (Permit)*.

The RTR included an explanations section, a planned actions section, an inventory of County of Riverside capital improvement projects since July 15, 2005, and a plan to evaluate County CIP projects for compliance with the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements of the Permit. My staff has thoroughly reviewed the Required Technical Report and offers the following comments:

1. Please provide an update on the Directive Memorandum to be issued by the Directors of the Facilities Management Department and the Economic Development Agency as referenced on page seven of the RTR.
2. Please provide more information regarding the implementation of SUSMP requirements in County contracts for applicable projects (page 9 of the RTR). Including SUSMP requirements in the Architectural Services Agreements is a good first step. Please provide information on how the County's contract managers will evaluate and enforce these new contract requirements. In addition, please provide a summary of any training provided to the contract managers regarding the new contract language.

California Environmental Protection Agency



0000000000

September 4, 2008

3. We agree with the County's plan to evaluate projects within the Santa Margarita watershed for SUSMP compliance (page 14 of the RTR) and we look forward to the County's findings. If retrofitting a project is found to be infeasible, we request that the mitigation projects be identified prior to contributing to a fund and that the mitigation projects be within the same hydrologic sub area.
4. Page 15 of the RTR references a GIS database to track WQMP and BMP detail. Please clarify if this database will track both public and private projects.

We thank-you for the timely and informative submittal of the report. The County's actions to address the violations are encouraging and reinforces your commitment to preserving water quality. The Regional Board will continue to conduct periodic inspections and program evaluations to ensure full compliance with the provisions of the Permit. If you have any questions please contact Ben Neill at (858) 467-2983 or email: bneill@waterboards.ca.gov.

Respectfully,



JAMES G. SMITH
Senior Environmental Scientist
Northern Watershed Unit
California Regional Water Quality Control Board – San Diego Region

JGS:bin

Cc via email: Mike Shetler, County of Riverside, mshetler@rceo.org
Alex Gann, County of Riverside, agann@rceo.org

ATTACHMENT 7

**COUNTY OF RIVERSIDE LETTER DATED
OCTOBER 7, 2008**

SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

2008 OCT 14 12:54
Bill Luna
County Executive Officer



2008 OCT 14 12:54
Jay E. Orr
Assistant County Executive Officer

Executive Office, County of Riverside

Mr. James G. Smith
Senior Environmental Scientist/
Mr. Ben Neill, Water Resource Control Engineer
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

October 7, 2008

Subject: Response to Letter Dated September 4, 2008 Regarding Required Technical Report for Notice of Violation No. R9-2008-0073.

Dear Mr. Smith and Mr. Neill,

This letter is in response to your comments to the Required Technical Report (RTR) for Notice of Violation R9-2008-0073.

The following are responses to your comments:

- **Comment 1- Please provide an update on the Directive Memorandum to be issued by the Directors of Facilities Management and Economic Development Agency as referenced on page seven of the RTR.** Attached are signed memoranda from the department heads for Facilities Management and Riverside County Economic Development Agency.
- **Comment 2- Please provide more information regarding the implementation of SUSMP (WQMP) requirements in County contracts for applicable projects.(page nine of the RTR) Please provide information on how the County's contract managers will evaluate and enforce these new contract requirements, In addition provide a summary of any training provided to the contract managers regarding the new contract language.** The Department of Facilities Management is currently revising its contracts to include provisions for WQMP compliance. Through amended contracts, the priority development and redevelopment projects for which the Department is managing includes the development of a preliminary and final WQMP in compliance with the Riverside County WQMP. The Department's project managers have already received verbal and written guidance regarding the requirements and implementation of the WQMP for present and future projects. Upon the new contract review and approval by county counsel (anticipated 11-20-2008), the Department's project managers will receive additional guidance and training from the Department's new Environmental Compliance Unit. Additionally, the Department's construction inspection group and project managers will work in concert to ensure that BMPs identified in the WQMP are constructed to the required specifications. Furthermore, continued inspection of a project via our 1-year performance bond will ensure that the BMPs are functioning adequately during the first year of operation.

The Economic Development Agency projects that are managed by Facilities Management will adhere to these requirements. Projects that are managed by Economic Development Agency project managers have received the same guidance on the requirements for WQMP and as stated previously language has been incorporated into the Architectural Services Agreement. The County Flood Control and Water Conservation District provides the training for construction and WQMP activities of which a summary can be obtained at their website <http://www.floodcontrol.co.riverside.ca.us/>.

~~CONFIDENTIAL~~



Robin Zimpfer
Assistant County Executive Officer/EDA

SECRET

Bill Luna
County Executive Officer



Executive Office, County

Ref. R9-2008-0053

Ben this is the County's
signature/certification
for the report provided
by Flood Control
RTR R9-2008-0053

Mike Shetter

County of Riverside Certification Statement

I Certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature Jay E. Orr

Jay E. Orr, Assistant County Executive Officer

Date 10/8/08

ATTACHMENT 8

**SCOTT ROAD FACILITY INSPECTION REPORT DATED
OCTOBER 9, 2008**

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION
WATERSHED MANAGEMENT PROGRAM**

FACILITY INSPECTION REPORT

INSPECTION DATE: October 9, 2008 TIME: 10 AM WDID: 9 0000512S1 for County MS4, none for Construction

FACILITY REPRESENTATIVE(S) PRESENT DURING INSPECTION: County of Riverside: Michael Shetler from the Riverside County

Executive Office: Glenn Higa, Mike Call, Elmer Datuin, Eric Lohr, Mark Bernas, Nick Sison, all from the Transportation Department

County of Riverside

NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

Elmer Datuin (951) 955-6762

OWNER CONTACT NAME AND PHONE #

Scott Road Reconstruction - All American Asphalt

FACILITY OR DEVELOPER NAME (if different from owner)

Brett Schultz WPC/Project Manager (951) 736-7600

FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

Intersection of Scott Road and Briggs Road

FACILITY STREET ADDRESS

Menifee, CA

FACILITY CITY AND STATE

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS

- ☒ MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766
- ☒ GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 - CONSTRUCTION
- ☐ GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003 - CALTRANS
- ☐ GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS
- ☐ GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- ☐ SECTION 401 WATER QUALITY CERTIFICATION
- ☐ CWC SECTION 13264

INSPECTION TYPE (Check One)

- A1 "A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)
- B1 X "B" type compliance--A routine nonsampling inspection. (EPA Type C)
- 02 Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.
- 03 Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
- 04 Complaint--Inspection made in response to a complaint.
- 05 Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
- 06 No Exposure Certification (NEC) - verification that there is no exposure of industrial activities to storm water.
- 07 Notice of termination request for industrial facilities or construction sites - verification that the facility or construction site is not subject to permit requirements (Type, NOT I or NOT C - circle one).
- 08 Compliance Assistance Inspection - Outreach inspection due to discharger's request for compliance assistance.

INSPECTION FINDINGS

 Y Were violations noted during this inspection? (Yes/No/Pending Sample Results)

 N Were samples taken? (N=no) If YES then, G= grab or C= Composite and attach a copy of the sample results/chain of custody form

I. COMPLIANCE HISTORY:

R9-2005-0275 issued in 2005 to the County of Riverside for violations of the MS4 permit's construction component requiring oversight of a private construction site.

R9-2008-0053 issued on May 13, 2008 to the County of Riverside for violations of the MS4 permit's SUSMP and land development component.

FACILITY: Scott Road Reconstruction (WDID) 9 0000512S1, NA INSPECTION DATE: Oct. 9, 2008

II. FINDINGS

On October 9, 2008, Ben Neill, Water Resource Control Engineer of the Northern Watershed Unit, inspected the County of Riverside's Scott Road Reconstruction project. The project is in both the San Diego Regional Board's Santa Margarita Watershed and the Santa Ana Regional Board's jurisdiction. The total size of the construction project is 17 acres with 4 acres being within the Santa Margarita watershed. The project started on April 14, 2008 and is anticipated to be complete by November 1, 2008. The project consists of widening Scott Road, constructing additional lanes of traffic, turn lanes, installing traffic signals, sidewalks and curb and gutter. The project also has some minor improvements to adjacent arterials such as Briggs Road. The project's budget is \$4.9 million with stormwater accounting for \$30,000. All-American Asphalt paving is the contractor for the project.

The County of Riverside was represented during the inspection by six individuals. Michael Shetler represented the Riverside County Executive Office. Mike Call, Elmer Datuin, Eric Lohr, Glenn Higa, Nick Sison, and Mark Bernas were from the County of Riverside Transportation Department. Mike Shetler of the County of Riverside provided the attached photographs.

We met near the intersection of Briggs Road and Scott Road. I briefly looked over the project site's SWPPP. The site has not filed a Notice of Intent to comply with the State Board's General Construction Permit. This oversight was due to a project change beyond the initial scope of work. Originally, the project was designed so as not to disturb greater than one acre. Following construction start the project's scope increased so that the site did disturb greater than one acre. The County plans on filing an NOI within two weeks once a check is secured for fee payment. A copy of the NOI is attached. The SWPPP lacked sufficient detail to identify flow lines, discharge points, and BMP implementation.

Even without specific BMP detail in the SWPPP, the County's contractor took it upon themselves to implement some BMPs. The project has sprayed hydroseed along slopes in most of the project area. The east side of Briggs Road south of Scott Road needs additional sediment control and erosion control BMPs along the disturbed area (Photo MRS091008-7). Hydroseeding had been applied at one time to this area, but has since been redisturbed as evident by the tire tracks.

Along the south side of Scott Road and east of Briggs Road, the shoulder has disturbed earth (Photo MRS091008-9). Although the slope has been sprayed with erosion controls, the area was without any sediment controls. The bare dirt shoulder appears to be graded to collect concentrated runoff from Scott Road and the intersection with Briggs Road. This dirt shoulder is unstabilized and will most likely erode significantly during a rainstorm unless additional BMPs are implemented. In addition, this area will need permanent post-construction measures to prevent continued erosion along the shoulder.

The road's drainage appears to flow to a large disturbed area at the base of the hill (Photo MRS091008-11). The slope below the road in this area has hydroseed applied (MRS091008-10). This large disturbed area was without any erosion controls and sediment controls. A storm drain inlet (Photo MRS091008-12) received runoff from this disturbed area. The inlet had minimal sand bags that will provide little protection considering the amount of disturbed area and lack of BMPs.

Along the north side of Scott Road, a storm drain had filter fabric and a straw waddle for protection (Photo MRS091008-13). Although a straw waddle may be appropriate during the summer to keep trash and debris out of the storm drain, straw waddles are ineffective inlet protection during rain events. The straw waddles typically become waterlogged, thereby flooding the adjacent street and fall into the storm drain. The County plans to replace the straw waddle with gravel bags.

The construction project was in the midst of hauling off a large excess dirt stockpile over the next two days. A street sweeper was continuously operating along the paved Scott Road (Photo MRS091008-15). In addition, the haul trucks were staged on the pavement of Scott Road thereby preventing any sediment tracking.

Along the north side of Scott Road, west of Briggs Road, only the slope, and not the shoulder, was hydroseeded. The shoulder needs additional sediment and erosion control BMPs and permanent post-construction BMPs to prevent concentrated road runoff from collecting and eroding out the shoulder (MRS091008-16). A concrete washout was onsite and actively being used (MRS091008-18).

FACILITY: Scott Road Reconstruction (WDID) 9 0000512S1, NA INSPECTION DATE: Oct. 9, 2008

Based on the County's statements, the project does have greater than 5,000 square feet of new paved surface. Therefore the project is a Priority Development Project requiring a SUSMP with site design, source control and treatment control BMPs. The project does not have a SUSMP and no post-construction treatment control BMPs were designed or implemented onsite.

III. SIGNATURE SECTION

Ben Neill

STAFF INSPECTOR

[Signature]

SIGNATURE

10/9/08

INSPECTION DATE

IV. (For internal use only)

Reviewed by Supervisor: [Signature]

Date

27 Oct 08cc: Jeremy Johnstone (EPA), John Norton (SWRCB), City Storm Drain Enforcer

Inter-office Referral: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____

D:\My Documents\Desktop\Scott Road\FIR.doc
CIWQS

Photos of Scott Rd . Riverside County Transportation Department Project

October 9, 2008 by Mike Shetler
Riverside County Executive Office



Scott Rd looking West, South side of road with hydro-seed applied to 2:1 slope



Scott Rd looking West, North side of road with hydro-seed applied to 2:1 slope Note: stock pile removal.



Northwest corner of Scott Rd and Briggs Rd



Northeast corner of Scott Rd and Briggs Rd



Intersection Scott Rd and Briggs Rd Southwest corner.



Scott R. East of Briggs Rd. looking East

Photos of Scott Rd . Riverside County Transportation Department Project

October 9, 2008 by Mike Shetler
Riverside County Executive Office



Briggs Rd East side looking South
Hydro-seed application to downward slope



Briggs Rd West side looking South
Hydro-seed application to downward slope



Scott Rd South side, East of Briggs Rd.
looking East.



Scott Rd South side, East of Briggs Rd.
looking West



Excavated area south of Scott Rd. where drainage
pipe and planned rip/rap will be applied. Looking
East



Location of drainage pipe south side of Scott Rd.
Proposed location of rip/rap.

Photos of Scott Rd . Riverside County Transportation Department Project

October 9, 2008 by Mike Shetler
Riverside County Executive Office



North side of Scott Rd storm drain with silt cloth and straw waddle. Plan to supplement with gravel filled bags to provide added protection



North side of Scott Rd looking west location of Edison man-way and retaining wall.



Sweep for track-out of surplus dirt being transported off-site.



Scott Rd North side looking East toward Briggs Rd
Note: Hydro-seeding on 2:1 slope.



Covered stockpiles



Concrete washout

ATTACHMENT 9

**MARNA O'BRIEN PARK FACILITY INSPECTION REPORT
DATED OCTOBER 31, 2008**

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION
WATERSHED MANAGEMENT PROGRAM**

FACILITY INSPECTION REPORT

INSPECTION DATE: October 31, 2008 TIME: 10 AM WDID: 9 0000512S1, 9 33C343785

FACILITY REPRESENTATIVE(S) PRESENT DURING INSPECTION: None

County of Riverside
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

Mike Shetler (951) 955-1186
OWNER CONTACT NAME AND PHONE #

Marna O'Brien park, Southwest Justice Center
FACILITY OR DEVELOPER NAME (if different from owner)

Gloria Perez (951) 955-9056
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

20505 Palomar Street
FACILITY STREET ADDRESS

Wildomar, CA
FACILITY CITY AND STATE

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS

- ☒ MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766
- ☐ GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 - CONSTRUCTION
- ☐ GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003 - CALTRANS
- ☐ GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS
- ☐ GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- ☐ SECTION 401 WATER QUALITY CERTIFICATION
- ☐ CWC SECTION 13264

INSPECTION TYPE (Check One)

- A1 "A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)
- B1 X "B" type compliance--A routine nonsampling inspection. (EPA Type C)
- 02 Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.
- 03 Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
- 04 Complaint--Inspection made in response to a complaint.
- 05 Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
- 06 No Exposure Certification (NEC) - verification that there is no exposure of industrial activities to storm water.
- 07 Notice of termination request for industrial facilities or construction sites - verification that the facility or construction site is not subject to permit requirements (Type, NOT I or NOT C - circle one).
- 08 Compliance Assistance Inspection - Outreach inspection due to discharger's request for compliance assistance.

INSPECTION FINDINGS

- Y Were violations noted during this inspection? (Yes/No/Pending Sample Results)
- N Were samples taken? (N=no) If YES then, G= grab or C= Composite and attach a copy of the sample results/chain of custody form

I. COMPLIANCE HISTORY:

R9-2005-0275 issued in 2005 to the County of Riverside for violations of the MS4 permit's construction component requiring oversight of a private construction site.

R9-2008-0053 issued on May 13, 2008 to the County of Riverside for violations of the MS4 permit's SUSMP and land development component.

FACILITY: County of Riverside MS4 (WDID) 9 0000512S1 INSPECTION DATE: Oct. 31, 2008

II. FINDINGS

On October 31, 2008, an inspection was conducted to assess the County of Riverside's compliance with their MS4 permit specifically the SUSMP section requiring post construction BMPs.


The County of Riverside constructed park improvements at the Marna O'Brien Park in Wildomar, CA. At the time Wildomar was an unincorporated community within Riverside County. Wildomar has since decided to incorporate. Archived news articles report that the park was previously part of the Ortega Trails Recreation and Park District. The park had been closed since 1999 when the park district dissolved.

A Notice of Intent for construction was approved by State Board on October 3, 2006 and assigned WDID No. 9 33C343785. The Notice of Intent lists the Riverside County Economic Development Agency as the owner. The Notice of Intent states that the anticipated construction commencement date is August 28, 2006 and the anticipated construction completion date is May 25, 2007. The Notice of Intent states that the total area to be disturbed is 9.34 acres and the percent imperviousness after construction is 23%, resulting in 2.15 acres of impervious surfaces.

A Notice of Termination for construction was approved by the Regional Board on December 27, 2007. The Notice of Termination stated that construction was complete on August 18, 2007.

On the day of the inspection, construction activities appeared to have been complete for some time. The parking lot appears to be greater than 5,000 square feet. The parking lot has 150 parking spaces. The parking lot size was roughly a rectangular parcel, 157 paces long by 36 paces wide. Assuming each pace is ~ 3 feet, then the total new impervious area is about 50,000 square feet, well over the 5,000 square foot threshold that requires SUSMP to be implemented. The parking lot also appeared to be recently built. The pavement, parking stripes and curbs did not appear weathered. Four inlets were observed in the parking lot. None of the inlets appeared to have any storm water treatment control devices in place such as inlet filters or a hydrodynamic separator. Another inlet along Palomar Street also did not appear to have any storm water treatment control devices. The grass playing fields had some area drains.

III. SIGNATURE SECTION

Ben Neill
STAFF INSPECTOR
SIGNATUREOctober 31, 2008
INSPECTION DATE

IV. (For internal use only)

Reviewed by Supervisor: _____ Date _____

cc: Jeremy Johnstone (EPA), John Norton (SWRCB), City _____ Storm Drain Enforcer

Inter-office Referral: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____



Photos 1 to 5 – Photos of the four inlet drains in the parking lot. None have inlet filters or other treatment devices.



Photos 6 and 7 – Photos show the storm drain inlet along Palomar Street next to the parking lot. This inlet also appeared to not have any inlet filters or other treatment devices.

Photos 8 and 9 – The park's parking lot is greater than 5,000 square feet.





10. The park has some ancillary impervious surfaces that appear to drain partly to vegetated areas.



11. Temporary toilets were onsite.

ATTACHMENT 10

13267 LETTER DATED DECEMBER 01, 2008



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA



Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

December 1, 2008

VIA CERTIFIED MAIL
7008 1140 0004 9971 8849

Riverside County Executive Officer
Larry Parrish
Riverside County Administrative Center
4080 Lemon Street – 4th Floor
Riverside, CA 92501

In reply refer to:
NWU:252901:bneill

RE: REQUIRED TECHNICAL REPORT

Dear Mr. Parrish,

Back on September 20, 2007 and January 15 – 17, 2008, PG Environmental, A United States Environmental Protection Agency contractor, with the California Regional Water Quality Control Board San Diego Region (Regional Board) conducted inspections of the County of Riverside's (hereafter County) Municipal Separate Storm Sewer (MS4) program. The purpose of the inspections was to determine the County's compliance with Regional Board Order No. R9-2004-001, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0108766, *Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems Draining the County of Riverside, the City of Murrieta, the City of Temecula, and the Riverside County Flood Control and Water Conservation District within the San Diego Region (Permit)*.

The inspection report dated March 31, 2008 described violations of the Permit's Standard Urban Stormwater Mitigation Program (SUSMP). The County has chosen to name their SUSMP as "Water Quality Management Program" (WQMP). These two terms are used interchangeably throughout this letter. In addition to being required by federal regulations, the permit's SUSMP section requires priority development projects to reduce pollutants to the maximum extent practicable (MEP), to maintain or reduce downstream erosion, and to protect stream habitat.

As a result of the inspections, the Regional Board issued Notice of Violation (NOV) No. R9-2008-0073 with a request for technical report on June 13, 2008. Among the violations were a failure to identify applicable SUSMP projects at the County's own construction projects and a failure to ensure effective Best Management Practices are required in County SUSMP projects. The County submitted the Required Technical Report dated July 17, 2008. Included on page 15 of the report, the County provided an

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acceptable timeline to complete a comprehensive review of the County's historic CIP projects since July 15, 2008, the date of SUSMP adoption.

On October 9, 2008, the Regional Board with County representatives conducted an inspection of the County's expansion of Scott Road. The inspection identified the project as having greater than 5,000 square feet of paved surfaces triggering the SUSMP requirements. The project did not have a post construction WQMP and no post-construction stormwater treatment devices were designed or implemented onsite.

A review of the Regional Board's construction database identified the "Marna O'Brien park" redevelopment project as potentially needing to comply with the permit's SUSMP provisions. According to the project's Notice of Intent, the site commenced construction on August 28, 2006 which is post the required SUSMP implementation date of July 15, 2005. A site visit confirmed that the site would be considered a priority development project due to having a parking lot greater than 5,000 square feet. The site does not appear to have implemented any post-construction stormwater treatment devices.

Therefore, pursuant to California Water Code section 13267 and 13383, you are directed to prepare and submit a Required Technical Report (RTR) to the Regional Board no later than **5:00 PM, on January 2, 2009**. The RTR is required due to the ongoing violations of the MS4 permit's SUSMP section and to assist the Regional Board's investigation into the County's steps to maintain compliance. Since we are aware of SUSMP violations at four of the sites (listed below), we are asking for the WQMP for those specific sites to ensure corrections have been implemented in compliance with the Permit. The County's comprehensive evaluation (to be submitted in response to NOV No. R9-2008- 0073) may include additional information on these four specific sites if the sites have been constructed without complying with the Permit's SUSMP section. The RTR will be reviewed to determine if appropriate measures have been taken in compliance with the Permit and to assess the need for further enforcement action. The RTR shall provide the following information:

1. The complete and approved WQMP including the project construction start date (or anticipated start date) and the date of final design approval for the following County projects:
 - a. Scott Road reconstruction;
 - b. Southwest Justice Center parking lot expansion;
 - c. Clinton Keith Road project; and
 - d. Park enhancements for Marna O'Brien park (if available).
2. An update on the County's progress on their comprehensive evaluation and implementation plan for CIPs constructed after July 15, 2005 that failed to implement SUSMP requirements (as described on page 15 of the County's report dated July 17, 2008.)

3. If a WQMP for the Marna O'Brien park is unavailable by January 2, 2009, then include an update regarding the park's WQMP as part of the County's comprehensive evaluation and provide the WQMP as soon as it is approved.

The submitted Required Technical Report shall be signed in accordance with Order No. R9-2004-001, Attachment B.2 Signatory Requirements and contain the following certification:

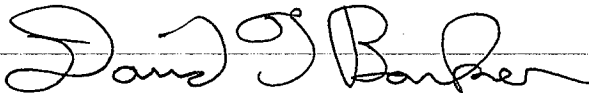
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Failure to submit the above information by the date requested may result in the imposition of administrative civil liability pursuant to CWC sections 13268 and 13385.

Questions pertaining to this Required Technical Report and the enclosed Notice of Violation should be directed to Ben Neill at (858) 467-2983 or bneill@waterboards.ca.gov. Written correspondence should be directed to the following address:

Michael P. McCann
Assistant Executive Officer
Attn: Ben Neill
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Respectfully,



MICHAEL P. McCANN
Assistant Executive Officer

Signed pursuant to the authority delegated by the Executive Officer to the Assistant Executive Officer

Mr. Larry Parrish

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December 1, 2008

CC via email:

Ken Greenberg, USEPA, greenberg.ken@epa.gov
Mike Shetler, County of Riverside, mshetler@rceo.org
Alex Gann, County of Riverside, agann@rceo.org
Wes Ganter, PG Environmental, LLC, wes.ganter@pgenv.com

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